

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Daryise L. Earl v. Estate of Allison Briggs

Earl · No. 23-cv-1679-pp · Decided February 27, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied Daryise L. Earl’s second motion for default judgment. The court held that prior email and business-address attempts did not constitute proper service under Federal Rule of Civil Procedure 4, but that the estate’s representative was later properly served and timely answered. The court also reminded the plaintiff that his response to the defendants’ exhaustion-based summary-judgment motion was due March 2, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	February 27, 2026
DOCKET	23-cv-1679-pp
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a second motion for default judgment seeking reconsideration of the denial of his first motion for default judgment.
STANDARD OF REVIEW	The court considered whether the newly presented evidence warranted reconsideration of the prior denial of default judgment and whether the defendant had been properly served and failed to plead.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Daryise L. Earl v. Estate of Allison Briggs

TOPICS

- default judgment
- service of process
- default
- civil procedure
- probate

PRACTICE AREAS

- civil procedure
- probate
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the plaintiff's newly discovered evidence that the defendant's representative received an email from the Marshals Service established proper service or otherwise warranted default judgment.
2. Whether a defendant may be held in default when earlier attempted service was improper but the defendant was later properly served and timely answered.

HOLDINGS

1. Mailing the complaint and summons to an individual's business address and emailing process to a general law-firm email address did not constitute proper service under Federal Rule of Civil Procedure 4 or Wisconsin law.
2. The defendant was not in default because the earlier service attempts were ineffective, the defendant was later properly served, and the defendant timely answered.

KEY QUOTATIONS

“Because Van de Water has not been properly served, he cannot be subject to default judgment.” (Dkt. No. 42 at 3-5)

“The court DENIES the plaintiff's motion for default judgment.” (final disposition)

FACTUAL BACKGROUND

The United States Marshals Service initially attempted to serve Attorney David A. Van de Water by mailing process, without the summons, to his business address and later by emailing documents to a general law-firm email address. The court determined that those attempts did not comply with Federal Rule of Civil Procedure 4 or Wisconsin law governing service of process. Van de Water was subsequently personally served in compliance with the Federal Rules and answered the complaint within the applicable period. Plaintiff nevertheless sought default judgment based on evidence that Van de Water had received the earlier email.

PROCEDURAL HISTORY

The court previously denied plaintiff's first motion for default judgment because the estate's representative had not been properly served under Federal Rule of Civil Procedure 4 and therefore could not be held in default. The court then directed the United States Marshals Service to personally serve the representative. After proper service, the representative answered the complaint. Plaintiff filed a second motion based on discovery allegedly showing that the representative had earlier received an email from the Marshals Service, and the court denied that motion.

DISPOSITION

other

CASES CITED

- Hobbs v. Sheskey, Case No. 22-cv-680-pp, 2024 WL 1138276, at *19 (E.D. Wis. Mar. 15, 2024)

- Kolcu v. Verizon Commc'ns Inc., Case No. 23-CV-849, 2023 WL 6623706, at *2 (E.D. Wis. Oct. 11, 2023), reconsideration denied, 2023 WL 7219881 (E.D. Wis. Nov. 2, 2023)
- Williams v. Young, Case No. 25-cv-252, 2025 WL 2576354, at *2 (W.D. Wis. Aug. 29, 2025)

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